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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,185	12/08/2000	Bhaves B. Bhatt	M-9091 US	3162
33031	7590	08/12/2005	EXAMINER	
CAMPBELL STEPHENSON ASCOLESE, LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759			LAMBRECHT, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/733,185	Applicant(s) BHATT, BHAVESH B.	
	Examiner Christopher M. Lambrecht	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22,24-29,31-36 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22,24-29,31-36 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8 July 2005 have been fully considered but they are not persuasive.

In particular, on pages 8 and 9 of Applicant's remarks, Applicant submits that the set-top box of Tsukidate does not partition the EPG, rather, EPG partitioning occurs in the broadcasting device of Tsukidate. Examiner respectfully disagrees.

As pointed out by applicant, Tsukidate teaches a broadcasting device partitioning the EPG. However, Tsukidate further discloses that at the set-top box, the EPG data is prepared in a way similar to that of preparing the EPG data at the broadcasting center side (col. 13, ll. 18-23). In particular, in preparing said EPG data stored in the hard drive for display, the control unit of the set-top box extracts said EPG data based on the predetermined attributes of the master data (which include program, channel, and schedule portions, col. 7, ll. 44-65). The extraction based on predetermined attributes constitutes partitioning, as the extraction step requires separating (whether physically or logically) the EPG data based on the predetermined attributes. Therefore, Tsukidate clearly discloses partitioning the EPG at the set-top box.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22, 24-29, 31-36, and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukidate (of record) in view of Seidman (Seidman et al., US006298482B1).

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With regard to claims 22, 29, and 36, Tsukidate discloses a set-top receiver (31, fig. 10) for receiving an EPG (col. 12, ll. 45-49); memory medium (main memory of 55, fig. 10) for storing instructions executable by a microprocessor (MPU of 55, fig. 10) in a set-top receiver (31, fig. 10), wherein the microprocessor implements a method in response to executing the instructions (col. 12, ll. 22-27); and, corresponding method comprising: a microprocessor (MPU of 55, fig. 10); a decoder for decoding a coded signal (45, fig. 10); a hard drive (51, fig. 10, col. 12, ll. 12-14) coupled (via HDD interface 53) to the microprocessor (55), wherein the disk drive is configured to store the EPG received by the set-top receiver (col. 12, ll. 60-65); a memory (main memory of 55, fig. 10) coupled to the hard drive (via HDD interface 53, fig. 10), wherein the memory is configured to receive and store portions of the EPG from the hard drive (col. 12, l. 65 – col. 13, l. 14); partitioning the EPG (master data, col. 12, ll. 60-65) into a plurality of portions (items, col. 7, ll. 47-57), including a program portion (program title, col. 7, ll. 59-61), a channel portion (broadcasting channel, col. 7, ll. 59-63), and a schedule portion (date/time of broadcasting, col. 7, ll. 59-63) wherein the plurality of portions are stored in the disk drive (master data stored on disk 51 of fig. 10, col. 12, ll. 60-65). Tsukidate fail to disclose the memory (main memory of 55, fig. 10) is a DRAM.

In an analogous art, Seidman discloses the use of DRAM as memory (11, fig. 1) for a microprocessor unit (9, fig. 1) in a set-top unit (STB 1, fig. 1) for the purpose of reducing cost (col. 11, ll. 24-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tsukidate to use DRAM as main memory for the microprocessor, as taught by Seidman, for the purpose of reducing the cost of the set-top receiver.

As for claims 24-27, 31-34, and 38-41, Tsukidate and Seidman together disclose the claimed subject matter. In particular, Tsukidate discloses partitioning the program portion into first and second

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program sub portions (extracting a subset of the master data to be copied to main memory/cache, col. 13, ll. 45-51), according to predetermined attributes of the master data (which, as indicated in the rejection above, include a program portion, channel portion, schedule portion (see rejection of claims 23, 30, and 37), and any or all of the above, col. 13, ll. 21-28) wherein the second sub portion is copied to the DRAM (cache/main memory of 55, fig. 10).

With regard to claims 28 and 35, Tsukidate discloses the main memory (of 55, fig. 10) is utilized as a cache memory in association with the disk drive (51, fig. 10) (col. 13, ll. 9-17). However, Tsukidate and Seidman fail to disclose copying first data from the DRAM to the hard disk; and, deleting the first data from the DRAM (main memory/cache of 55, fig. 10) after it is copied to the hard disk.

Official notice is taken that it is well known in the art to copy data from a cache memory to a hard disk, and to thereafter delete said data from the cache after it is copied from the hard disk (e.g., in a personal computer, when a user is working on an application, such as a spreadsheet, the spreadsheet application and its associated data are stored in the main memory/cache; when the user thereafter chooses to terminate the spreadsheet application, the data relating to the spreadsheet application stored in the cache is copied to a storage unit, such as a hard drive, and is thereafter deleted from the cache memory in order to make room in the cache for a new application), for the purpose of reducing access time for active data/applications.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tsukidate and Seidman to include copying first data from the DRAM to the hard disk; and, deleting the first data from the DRAM after it is copied to the hard disk, for the purpose of reducing access time for active data/applications and optimizing the usage of the memory hierarchy in a set-top receiver.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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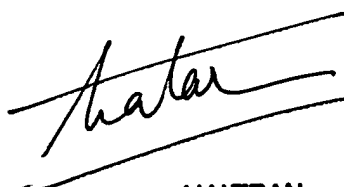
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

CML



HAI TRAN
PRIMARY EXAMINER